

## REMARKS

Claims 1-29 were examined and reported in the Office Action. Claims 1-29 are rejected. Claims 3, 9-10, 12 and 27 are cancelled. Claims 1, 4, 6, 11, 14-16, 21 and 26 are amended. Claims 1, 2, 4-8, 11, 13-26 and 28-29 remain.

Applicant requests reconsideration of the application in view of the following remarks.

### **I. 35 U.S.C. §103(a)**

**A.** Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,745,041 issued to Moss ("Moss") in view of U. S. Patent No. 6,646,851 issued to Gudat, ("Gudat"). Applicant respectfully disagrees.

According to MPEP §2142 "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." *"All words in a claim must be considered* in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's amended claim 1 contains the limitations of "[a]n apparatus comprising: at least one power supply, the at least one power supply coupled to a power supply fan, a first power source terminal coupled to the at least one power supply, a second power source terminal coupled to the at least one power supply, and a fan speed controller coupled internally to the at least one power supply, wherein the

power supply fan is powered from a source external to the at least one power supply, and said power supply fan is set to an intermediate setting independent of said fan speed controller when said power supply fails.”

Moss discloses a power supply having redundant fans. Moss addresses the problem of power supply fans failing without having redundant power supplies. The redundant power supply fans disclosed by Moss only receive power if the power supply does not fail itself as the “PC System” is only supplied power through the power supply. (Moss, column 3, lines 27-30). Moss is not concerned with what happens when power supplies fail completely as the redundant fans disclosed in Moss would not receive voltage to operate if the power supply completely fails.

It is asserted in the Office Action that Gudat discloses “an apparatus comprising at least one power supply (4), the at least one power supply coupled to a fan, a second power source coupled to the fan wherein the fan is powered from the second source (16) to supply a redundant source of power to the fan motor in the event the main power source fails.” (Office Action, page 3, first paragraph). Nowhere in Gudat, however, is a fan mentioned. Applicant asserts that while it is well known (substantially before Gudat was filed) to have backup power sources (e.g., emergency generators, backup batteries for clocks, sprinkler controllers, car alarms, etc.), Applicant’s claimed invention is not using a backup source for a power supply. Applicant’s claimed invention uses a separate source for powering the fan of a power supply. Therefore, when the power supply fails, itself, the power supply fan will continue to operate. Gudat is not concerned with failing power supplies.

Moreover, even if Moss and Gudat were combined the resulting invention would only be concerned with a power supply including redundant fans having batteries that would need to be connected to the power supply. Since it is known that the PC System power supply converts AC into DC, the resulting invention could not work. Further, neither Moss nor Gudat are concerned with fan speed of a power supply fan. Additionally, neither Moss nor Gudat teach, disclose or suggest the limitations “the power supply fan is powered from a source external to the at least one power supply, and said power supply fan is set to an intermediate setting independent

of said fan speed controller when said power supply fails.” Therefore, there would not be any motivation to combine the teachings of Moss with that of Gudat.

Since neither Moss, Gudat, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 1, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 1 is not obvious over Moss in view of Gudat since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 1, namely claim 2, would also not be obvious over Moss in view of Gudat for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 1-2 are respectfully requested.

B. Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Moss in view of Gudat, and further in view of Publication No. 2002/0004913 by Fung, ("Fung"). Applicant respectfully disagrees.

Applicant's claim 5 depends from amended claim 1. Applicant has discussed amended claim 1 with regard to Moss in view of Gudat above in section I(A).

Fung is concerned with operating CPUs, hard disk drives, power supplies and cooling fans at lower power levels to extend their effective service life. Thus, Fung is concerned with managing power consumption and workload in servers. If Fung were combined with the teachings of Moss and Gudat, however, the resulting invention would be concerned with a power supply including redundant fans having batteries that would need to be connected to the power supply located in a server. Since it is known that the Server System's power supplies convert AC into DC, the resulting invention could not work. Further, neither Moss, Gudat nor Fung are concerned with a server being an external source of power for a power supply fan. Additionally, neither Moss nor Gudat teach, disclose or suggest the limitations “the power supply fan is powered from a source external to the at least one power supply, and said power supply fan is set to an intermediate setting independent of said fan speed controller

when said power supply fails.” Therefore, there would not be any motivation to combine the teachings of Moss and Gudat with that of Fung.

Since neither Moss, Gudat, Fung, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's amended claim 1, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 1 is not obvious over Moss in view of Gudat and further in view of Fung since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 1, namely claim 5, would also not be obvious over Moss in view of Gudat and further in view of Fung for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claim 5 is respectfully requested.

C. Claims 3, 4 and 6-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moss in view of Gudat, and further in view of U.S. Patent No. 5,963,887 issued to Giorgio, ("Giorgio "). Applicant respectfully disagrees.

Applicant's claims 3-4 depend from amended claim 1. Applicant has discussed amended claim 1 with regard to Moss in view of Gudat above in sections I(A-B).

Applicant's amended claim 6 contains the limitations of “[a]n apparatus comprising: at least one power supply, the at least one power supply coupled to a power supply fan, a first fan speed controller and a second fan speed controller both coupled to the power supply fan, the first fan speed controller internally coupled to the at least one power supply, the second fan speed controller provides fan speed control for the power supply fan upon the at least one power supply failing, a first power source terminal coupled to the at least one power supply, a second power source terminal coupled to the at least one power supply, a fan speed controller terminal coupled to the power supply fan and the first fan speed controller, wherein the power supply fan is powered from an external source to the at least one power supply, the first fan speed controller and the second fan speed controller provide fan speed control

for the power supply fan simultaneously and the first fan speed controller can increase fan speed by overriding the second fan speed controller.”

Giorgio is concerned with operating cooling fans at required power levels based on ambient temperatures and electrical load to reduce airflow noise. If Giorgio were combined with the teachings of Moss and Gudat, however, the resulting invention would be concerned with a power supply including redundant fans having batteries that would have a fan speed controller. Since it is known that the PC System’s power supplies convert AC into DC, the resulting invention could not work. Further, neither Moss, Gudat nor Giorgio are concerned with an external source of power for a power supply fan and redundant fan speed controllers that provide fan speed control for a power supply fan simultaneously, and the first fan speed controller can increase fan speed by overriding the second fan speed controller. Therefore, there would not be any motivation to combine the teachings of Moss and Gudat with that of Giorgio.

Since neither Moss, Gudat, Giorgio, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's amended claims 1 and 6, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claims 1 and 6 are not obvious over Moss in view of Gudat and further in view of Giorgio since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 1 and 6, namely claims 3 and 4, and 7-12, respectively, would also not be obvious over Moss in view of Gudat and further in view of Giorgio for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejections for claims 3, 4 and 6-12 are respectfully requested.

D. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Moss in view of Gudat, and further in view of Giorgio and Fung. Applicant respectfully disagrees.

Applicant's claim 13 depends from amended claim 6. Applicant has discussed amended claim 6 with regard to Moss, Gudat, Giorgio and Fung above in sections I(B-C).

If Giorgio and Fung were combined with the teachings of Moss and Gudat the resulting invention would be concerned with a power supply including redundant fans having batteries that would have a fan speed controller in a server. Since it is known that the Server System's power supplies convert AC into DC, the resulting invention could not work. Further, neither Moss, Gudat, Giorgio nor Fung are concerned with an external source of power for a power supply fan and redundant fan speed controllers that provide fan speed control for a power supply fan simultaneously, and the first fan speed controller can increase fan speed by overriding the second fan speed controller. Therefore, there would not be any motivation to combine the teachings of Moss and Gudat with that of Giorgio and Fung.

Since neither Moss, Gudat, Giorgio, Fung nor the combination of the four, teach, disclose or suggest all the limitations of Applicant's amended claim 6, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 6 is not obvious over Moss in view of Gudat and further in view of Giorgio and Fung since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 6, namely claim 13, would also not be obvious over Moss in view of Gudat and further in view of Giorgio and Fung for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claim 13 is respectfully requested.

E. Claims 14-20 and 21-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moss in view of Gudat, and further in view of Giorgio. Applicant respectfully disagrees.

Applicant's amended claim 14 contains the limitations of "[a]n apparatus comprising: at least one power supply, the at least one power supply coupled to a power supply fan, a switch coupled to the power supply fan, a first fan speed controller

coupled to the switch, the first fan speed controller powered by the at least one power supply, a first internal power source terminal coupled to the switch, a second internal power source terminal coupled to the switch, an external fan speed controller terminal coupled to the switch, a second fan speed controller coupled the external fan speed controller terminal, the second fan speed controller provides fan speed control for the power supply fan upon the at least one power supply failing, a first external power source terminal coupled to the switch, and a second external power source terminal coupled to the switch, wherein power to operate the power supply fan is switched to an external source upon the at least one power supply failing, and the first fan speed controller and the second fan speed controller provide fan speed control for the power supply fan simultaneously and the first fan speed controller can increase fan speed by overriding the second fan speed controller.”

Applicant’s amended claim 21 contains the limitations of “[a]n apparatus comprising: a plurality of power supplies, the plurality of power supplies each coupled to a separate power supply fan, each individual power supply of the plurality of power supplies including: an internal fan speed controller coupled to the separate power supply fan, the fan speed controller powered by the individual power supply, a first power source terminal coupled to the individual power supply, a second power source terminal coupled to the individual power supply, and a fan speed controller coupled to the separate power supply fan, wherein the separate power supply fan receives power from the plurality of power supplies, and each power supply fan is set to an intermediate fan speed setting independent of said fan speed controller when the associated power supply fails.”

If Giorgio was combined with the teachings of Moss and Gudat the resulting invention would be concerned with a power supply including redundant fans having batteries that would have a fan speed controller in a PC System. Since it is known that the PC System’s power supplies convert AC into DC, the resulting invention could not work. Further, neither Moss, Gudat nor Giorgio are concerned with an external source of power for a power supply fan and redundant fan speed controllers that provide fan speed control for a power supply fan simultaneously, and the first fan speed controller can increase fan speed by overriding the second fan speed controller, or that each

power supply fan is set to an intermediate fan speed setting independent of said fan speed controller when the associated power supply fails. Therefore, there would not be any motivation to combine the teachings of Moss and Gudat with that of Giorgio.

Since neither Moss, Gudat, Giorgio, nor the combination of the four, teach, disclose or suggest all the limitations of Applicant's amended claims 14 and 21, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claims 14 and 21 are not obvious over Moss in view of Gudat and further in view of Giorgio since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 14 and 21, namely claims 15-20, and 22-29, respectively, would also not be obvious over Moss in view of Gudat and further in view of Giorgio for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejections for claims 14-20 and 21-29 are respectfully requested.



### CONCLUSION

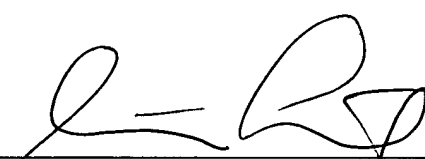
In view of the foregoing, it is submitted that claims 1, 2, 4-8, 11, 13-26 and 28-29 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

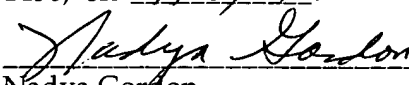
Dated: 4/15/04

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